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EXECUTIVE
ETHICS COMMISSION

No. 11-EEC-013

1. At all times relevant to the allegations in the verified complaint, respondent, Chikuita Rush, was an employee of the Department of Juvenile Justice, serving as a Juvenile Justice Specialist at the Illinois Youth Center – Chicago.
2. On March 19, 2009, Illinois State Police (“State Police”) Special Agents interviewed the Respondent in person in Chicago, Illinois.
3. On May 19, 2010, Office of the Executive Inspector General (“OEIG”) Investigators interviewed the Respondent in person in Chicago, Illinois, in the course of an investigation undertaken by the Petitioner pursuant to the Ethics Act.

4. During the May 19, 2010 interview, the Respondent intentionally omitted information to the OEIG Investigators and made statements to them she knew to be false in that she:
 - (a) denied fabricating, and denied knowing anything about the fabrication of, a document submitted in connection with the Respondent's application for a home mortgage that falsely purported to be an October 10, 2008 statement of the State Retirement Systems ("SRS") indicating the Respondent had withdrawn six thousand dollars (\$6,000.00) from her State retirement account;
 - (b) denied saying in her March 19, 2009 interview with State Police that the mortgage company, the title company, or the home's seller may have fabricated the October 10, 2008 SRS document;
 - (c) denied having requested any documents from SRS, including one dated September 24, 2008 and titled Statement of Account which was submitted in connection with the Respondent's application for a home mortgage; denied having ever seen the September 24, 2008 SRS Statement of Account; asserted that she did not know why an SRS employee would state that the Respondent had called and requested the document; and asserted that she instead had submitted a different SRS document that was a form statement SRS periodically sent out summarizing her retirement benefits;
 - (d) denied having told State Police that she received the funds for the down payment in connection with her mortgage from unknown acquaintances;
 - (e) stated that the home's seller submitted a check to cover the down payment at the closing on the purchase of the Respondent's new home;
 - (f) and denied having ever seen the cashier's check and the money order used for the down payment at the closing of her home mortgage, despite the existence of her name on both instruments as the remitter.
5. On March 19, 2009, Illinois State Police ("State Police") Special Agents interviewed the Respondent in person in Chicago, Illinois.
6. On October 21, 2010, Office of the Executive Inspector General ("OEIG") Investigators interviewed the Respondent in person in Chicago, Illinois, in the course of an investigation undertaken by the Petitioner pursuant to the Ethics Act.
7. During the October 21, 2010 interview, the Respondent intentionally omitted information to the OEIG Investigators and made statements to them she knew to be false in that she:

- (a) stated that she did not see or provide the cashier's check and money order used for the down payment at the closing on her home, despite the existence of her name on both instruments as the remitter;
 - (b) stated that she did not know who provided the cashier's check and money order used for the down payment at the closing on her home; and
 - (c) stated that it was possible that another individual present at the closing on her home provided the funds for the down payment.
- 8. The parties have entered into a stipulation in which respondent admitted to the above findings of fact and admitted that she failed to cooperate with an investigation undertaken by petitioner, thereby violating Section 20-70 of the State Officials and Employees Ethics Act. 5 ILCS 430/20-70.
 - 9. The parties have filed briefs addressing the matter of an appropriate sanction, if any.

CONCLUSIONS OF LAW

- 1. Petitioner, Ricardo Meza, is the Executive Inspector General duly appointed by the Governor of the State of Illinois pursuant to subsection 20-10(b) of the Ethics Act. 5 ILCS 430/20-10(b).
- 2. The Department of Juvenile Justice is a statutorily created Department of Illinois State government. 20 ILCS 5/5-15. As such, the Department of Juvenile Justice constitutes a State agency as defined by section 1-5 of the Ethics Act. 5 ILCS 430/1-5. The Department of Juvenile Justice is an agency of the Governor. *See, e.g.,* 730 ILCS 5/3-2-5, 3-2.5-15.
- 3. Respondent, Chikuita Rush, was at all times relevant to this complaint a State employee, as "employee" is defined in the State Officials and Employees Ethics Act ("Act") to include regular employees and appointees. 5 ILCS 430/1-5.
- 4. The Executive Ethics Commission has jurisdiction over matters arising under the Ethics Act as well as jurisdiction over the respondent as an employee of a State agency. 5 ILCS 430/20-5(d).
- 5. Section 20-70 of the Ethics Act provides as follows:
 - § 20-70. Cooperation in investigations. It is the duty of every officer and employee under the jurisdiction of an Executive Inspector General, including any inspector general serving in any State agency under the jurisdiction of that Executive Inspector

General, to cooperate with the Executive Inspector General and the Attorney General in any investigation undertaken pursuant to this Act. Failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements. Failure to cooperate with an investigation of the Executive Inspector General or the Attorney General is grounds for disciplinary action, including dismissal. Nothing in this Section limits or alters a person's existing rights or protections under State or federal law.

5 ILCS 430/20-70 (West 2011).

6. There is no genuine issue of material fact that respondent failed to cooperate with an investigation undertaken by the petitioner pursuant to the Ethics Act.
7. By intentionally omitting information to the OEIG investigators and by making statements to them she knew to be false, the respondent, on May 19, 2010, failed to cooperate with an investigation undertaken by the petitioner pursuant to the Ethics Act, thereby violating Section 20-70 of the Act. 5 ILCS 430/20-70.
8. By intentionally omitting information to the OEIG investigators and by making statements to them she knew to be false, the respondent, on October 21, 2010, failed to cooperate with an investigation undertaken by the petitioner pursuant to the Ethics Act, thereby violating Section 20-70 of the Act. 5 ILCS 430/20-70.
9. Respondent, Chikuita Rush, has violated Section 20-70 of the State Officials and Employees Ethics Act. 5 ILCS 430/20-70.
10. The Executive Ethics Commission may levy an administrative fine of up to \$5,000 for a violation of the State Officials and Employees Ethics Act. 5 ILCS 430/50-5(e).

ANALYSIS

Respondent stipulated to a series of facts and admitted that her actions constituted a failure to cooperate with an investigation undertaken by the petitioner pursuant to the Ethics Act, thereby violating Section 20-70 of the Act. This acknowledgment leaves to the Commission the matter of an appropriate sanction. Petitioner's brief does not recommend a specific sanction, but requests a penalty "in a sufficient amount that others are deterred from engaging in the same or similar conduct." Respondent requests that the Commission impose no fine, noting that she is a single mother of four minor children, that she is remorseful and repentant, and that she has lost her position with the State of Illinois, which has created a significant hardship for herself and her family.

In terms of aggravation, the Commission notes that respondent's actions were premeditated over a considerable period of time and necessitated the expenditure of significant State resources and time. In terms of mitigation, respondent was not in a position of great

authority, did not involve others in her violation, and has cooperated insofar as she has stipulated to the violations of the Ethics Act.

WHEREFORE, for the foregoing reasons, the Commission levies an administrative fine of \$500.00 against respondent Chikuita Rush for violation of 5 ILCS 430/20-70, failure to cooperate.

This is a final administrative decision and subject to the Administrative Review Law.

ENTERED: